



NATURAL RESOURCES DEFENSE COUNCIL

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EPA, REGION III
OFFICE OF REGIONAL ADMINISTRATOR

January 13, 2012

Shawn M. Garvin
Regional Administrator
United States Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Supplement to NRDC January 12, 2012 Letter Regarding Provision of Immediate Temporary Water to the Residents of Dimock, Pennsylvania: EPA's Additional Authority Pursuant to SDWA to Respond to Contaminants in Underground Sources of Drinking Water Which May Present an Imminent and Substantial Endangerment to the Health of Persons.

Dear Regional Administrator Garvin:

We are writing to supplement our January 12, 2012 letter urging the U. S. Environmental Protection Agency ("EPA") to take responsive action under its Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") authority to provide the residents of Dimock, Pennsylvania with temporary potable water.¹ As discussed in that letter, Dimock groundwater was thoroughly contaminated by the natural gas drilling practices of the Cabot Oil and Gas Corporation ("Cabot"), and, since November 30, 2011, affected residents have been without reliable access to drinkable water.² In the interest of ensuring the swiftest possible action to provide Dimock residents with fresh, potable water, we would like to identify additional statutory authority under the Safe Drinking Water Act ("SDWA") by which EPA can ensure provision of temporary water.

SDWA provides that EPA may take emergency action to address contamination of certain water supplies,³ such as the underground aquifer in Dimock,⁴ which *may* present an

¹ Letter to Shawn M. Garvin, Regional EPA Administrator for Region 3 from NRDC entitled "Provision of Immediate Temporary Water to the Residents of Dimock, Pennsylvania Pursuant to EPA's CERCLA Authority to Respond to Threats to Human Health and the Environment," dated January 12, 2012.

² This letter fully incorporates the facts set forth in the January 12, 2012 letter.

³ Although generally SDWA applies only to "public water systems," EPA's emergency powers under SDWA also allow the Agency to respond to contamination of an "underground source of drinking water." 42 U.S.C.A. § 300i (a). This term is defined relevantly in EPA's regulations as an aquifer or its portion which "contains a sufficient quantity of ground water to supply a public water system; and...[c]urrently supplies drinking water for

As before, we thank you in advance for what we hope will be your swift action to secure safe and potable drinking water to the residents of Dimock.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Sinding".

Kate Sinding
Senior Attorney

A handwritten signature in cursive script, appearing to read "Daniel Raichel".

Daniel Raichel
Legal Fellow

cc:

Lisa Jackson
Administrator